

From: Steve Sergeant
To: Microsoft ATR
Date: 1/28/02 1:55am
Subject: Microsoft Settlement

Comments regarding Proposed Final Judgement
United States v. Microsoft Corporation
Civil Action No. 98-1232

I am writing to express my disapproval with the Proposed Final Judgement as it currently stands. I fully agree with the comments filed by Ralph Nader on this matter
<<http://www.cptech.org/at/ms/rnj12kollarkotellynov501.html>>.

In Judge Jackson's findings of fact, he identifies the key to Microsoft's ability to maintain their monopoly power: The withholding of the technical details necessary for potential competitors to develop interoperable products.

The Proposed Final Judgement specifically denies access by non-commercial software developers to full documentation of Microsoft interfaces and file formats. The most likely threat at this time to Microsoft's monopoly position is from the non-commercial, volunteer collaborative efforts of "open source" software developers. A truly effective remedy would allow such developers to access any information necessary to build operating systems that are interoperable with Microsoft application programs, or to build application programs which interoperate with application programs or operating systems produced by Microsoft.

The final judgement must not permit Microsoft to discriminate who can purchase technical information about their products. Allowing Microsoft to discriminate only perpetuates their monopoly. This technical information must not be licensed in any way that restricts any other developer from creating a competing or interoperable product, for clearly the purpose of the remedy is to encourage competition.

This case is our best hope, as consumers of personal computer products, that competition and a free market will return to the software industry. When the average person can walk into any store that carries computers, software, or related accessories and find a wide range of options that are in no way dependent on Microsoft, then this case will have succeeded. Otherwise, I feel this case will have failed to enforce the anti-trust laws.

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